

RECESS

Mr. Calvert moved that the House recess to 9:30 o'clock a. m., tomorrow.

Mr. Lotief moved that the House recess too 9:00 o'clock a. m., tomorrow.

Question recurring on the motion by Mr. Calvert, it prevailed, and the House, accordingly, at 5:30 o'clock p. m., took recess to 9:30 o'clock a. m., tomorrow.

APPENDIX

STANDING COMMITTEE REPORT

The Committee on Counties filed a favorable report on House Bill No. 57.

REPORT OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,
Austin, Texas, October 23, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 27, "An Act making an appropriation of the sum of One Hundred Thousand (\$100,000.00) Dollars, or so much thereof as may be necessary, out of any funds in the State Treasury, not otherwise appropriated, to pay the contingent expenses, and to pay the per diem of members and the per diem of officers and employes of the Second Called Session of the Forty-fourth Legislature, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

ATCHISON, Chairman.

THIRD DAY

(Continued)

(Thursday, October 24, 1935)

The House met at 9:30 o'clock a. m., and was called to order by Speaker Stevenson.

EXPRESSING APPRECIATION TO THE MEMBERS OF THE HOUSE

The Speaker laid before the House and had read the following communication:

Oglesby, Texas, October 22, 1935.

To the Members of the House of Representatives:

I wish to express to you my deepest appreciation for the beautiful floral

offering which I received today. I shall ever remember each of you as my friend and wish for you the best of success in life.

I am getting along fine and am anxious to get back with you, am hoping that I may soon.

Sincerely,

EARL HUDDLESTON.

HOUSE BILL NO. 26 ON PASSAGE TO ENGROSSMENT

The Speaker laid before the House, as pending business, on its passage to engrossment,

H. B. No. 26, A bill to be entitled "An Act creating a System of Old Age Assistance in Texas; placing restrictions on the granting of such assistance; creating the Texas Old Age Assistance Commisison; etc., and declaring an emergency."

The bill having heretofore been read second time.

Mr. Nicholson offered the following amendment to the bill:

Amend House Bill No. 26, page 11, Section No. 11a, lines 23 to 26, inclusive, by striking out all the printed language of said lines, and insert in lieu thereof the following:

"All grants of assistance or aid from the Federal government and its agencies, save for old age assistance grants pursuing under the Federal Government Social Security Act, and all grants of assistance or aid by all other governmental units and all grants of assistance or aid by privately owned and/or operated relief and/or aid units, shall be construed to be income in establishing eligibility for old age assistance under the provisions of this Act; provided that all such grants of assistance or aid as allowed in any other form than in currency shall be calculated and considered at the fair monetary value thereof."

The amendment was lost.

Mr. Nicholson offered the following amendment to the bill:

Amend House Bill No. 26, page No. 9, Section No. 8, line No. 18, by inserting the following language after the word "year":

"And/or for such period of time during said year as there is continuity of eligibility under the provisions of Section No. 2, of this Act."

The amendment was lost.

Mr. Venable offered the following amendment to the bill:

Amend House Bill No. 26, page 11, line 22, by inserting after the word "recipient," the following:

"and provided further that such institutions shall not withhold an amount in excess of twice the amount spent by such institution per person for the year 1935."

VENABLE,
GRAY.

The amendment was adopted.

Mr. Mauritz offered the following amendment to the bill:

Amend House Bill No. 26 by adding a subsection (d) to Section 11, page 11, as follows: "The executive director shall cause to be posted each month in each court house of this State a list of the names of all pension recipients of that address."

MAURITZ,
FARMER.

The amendment was lost.

Mr. Farmer offered the following amendment to the bill:

Amend House Bill No. 26 as follows: On page 9, line 4, insert these words "An applicant whose application for relief has been rejected may within thirty days appeal from the decision of the Commission to the district court of the county in which the application was filed by serving a ten days' notice of such appeal upon the executive director or upon any member of the Commission, in the manner required for service of an original notice. Upon service of such notice, the Commission shall furnish the applicant a copy of the application, a copy of all supporting papers, a transcript of the testimony and a copy of its decision. The court shall hear and determine said application on its merits. Upon the allowance of any such application, any taxpayer of the county in which said application was filed may appeal to the district court of such county by serving notice as hereinabove provided, and upon service of said notice the Commission shall furnish such taxpayer with a copy of said application, a copy of all supporting papers, a transcript of the testimony and a copy of its decision. The district court may either affirm or reverse the decision of the Commission appealed from, and enter such order as may be proper; and said

order and judgment of the district court shall be final. An applicant whose application for relief has been rejected may not re-apply for relief until the expiration of twelve months from the date of the previous application."

The amendment was lost.

Mr. Farmer offered the following amendment to the bill:

Amend House Bill No. 26, as follows:

Strike out subsection (c) and (d) of Section 6, on page 7, and insert therefor these words:

"(c) It must contain a full statement to the best of applicant's knowledge and belief of his income as defined above for one year (1 yr.) immediately preceding the filing of the application.

"(d) It must contain a full statement of all real and personal property owned, and sold during the year immediately preceding the filing of the application, date of sale and to whom sold, all to the best of applicant's knowledge and belief."

The amendment was lost.

Mr. Farmer offered the following amendment to the bill:

Amend House Bill No. 26, as follows:

Strike out in line 19, page 12, these words:

"attempts to obtain."

The amendment was lost.

Mr. Farmer offered the following amendment to the bill:

Amend House Bill No. 26, as follows:

Strike out lines 22 and 23 on page 12.

The amendment was lost.

Mr. Lucas offered the following amendment to the bill:

Amend House Bill No. 26, page 11, Section 11, by adding thereto a new subsection numbered (d), to read as follows:

"(d) Any person now receiving a Confederate Pension in Texas may, at his option, elect to continue to receive such Confederate Pension or if otherwise eligible, he may qualify to receive the old age assistance provided for in this Act; provided that no person shall receive both a Confed-

erate Pension and the Old Age Assistance."

The amendment was adopted.

Mr. Reed of Bowie offered the following amendment to the bill:

Amend House Bill No. 26, page 12, line 5, by adding the following:

"Texas Old Age Assistance Commission is hereby authorized to accept gifts, taxes, appropriations, properties, of whatsoever kind are needed for said old age pension assistance."

The amendment was adopted.

Mr. Lindsey offered the following amendment to the bill:

Amend House Bill No. 26, page 9, by striking all of lines 11, 12, 13, 14 and 15 to the period in line 15.

(Mr. Wells in the Chair.)

The amendment was lost.

Mr. Quinn offered the following amendment to the bill:

Amend House Bill No. 26, page 2, Section 1, by striking out the word "has" in line 7 and insert in lieu thereof the words:

"Is a citizen of Texas and has"

The amendment was adopted.

Mr. England offered the following amendment to the bill:

Amend House Bill No. 26, Section 6, page 1, by adding a subsection to be known as subsection "I" to read as follows:

"It is hereby declared to be unlawful for any person, firm, corporation or association to charge any fee or compensation in any manner whatsoever to assist in aiding or procuring an old age pension for any person entitled to same under the provisions of this Act."

"Any person violating this provision shall be subject to a fine of not less than \$100.00 nor more than \$500.00 or not less than 30 days confinement in the county jail nor more than 60 days confinement in the county jail."

ENGLAND,
HEAD,
WELLS.

The amendment was adopted.

Mr. Quinn offered the following amendment to the amendment by Mr. Gray:

Amend the Gray amendment to House Bill No. 26, by striking out that part of the amendment which

provides that a chief auditor shall be appointed and paid Four Thousand (\$4,000.00) Dollars per annum, and insert in lieu thereof the following:

"The State Auditor shall be Auditor for the Old Age Assistance Commission and the assistants used by him for the old age pension work shall be paid the same salaries as paid other assistants in his department but the salaries of such assistants shall be paid out of the Old Age Pension Fund."

The amendment was lost.

Mr. Rogers offered the following amendment to the bill:

Amend House Bill No. 26, by adding a new section to read as follows:

"The Texas Old Age Assistance Commission is hereby authorized and it shall be their duty to formulate or cause to be formulated and recommend to the Legislature for adoption, a plan providing for a contributory system of old age annuities which shall be in addition to any old age assistance provided from taxation; and providing assistance, inspiration and encouragement to all citizens, during their earning years to provide for security in old age."

ROGERS,
LEMENS.

Mr. Lindsey raised a point of order on further consideration of the amendment by Mr. Rogers, on the ground that the House has heretofore defeated an amendment containing the same subject matter.

The Chair overruled the point of order.

Mr. McConnell raised a point of order on further consideration of the amendment by Mr. Rogers, on the ground that the amendment is vague and indefinite and is not germane to the bill.

The Chair overruled the point of order.

Mr. Lindsey raised a point of order on further consideration of the amendment by Mr. Rogers, on the ground that subject matter contained in the amendment has not been submitted by the Governor.

The Chair overruled the point of order.

Question recurring on the amendment by Mr. Rogers, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—40

Adamson	Lemens
Adkins	Lotief
Ash	Lucas
Atchison	McCalla
Beck	McFarland
Bradbury	Moffett
Burton	Morrison
Craddock	Morse
Davison	Olsen
of Eastland	Patterson
Fain	Quinn
Farmer	Reed of Bowie
Ford	Roark
Graves	Rutta
Hardin	Settle
Harris of Archer	Smith
Head	Tarwater
Hofheinz	Walker
Hunter	Worley
Jones of Falls	Youngblood
Jones of Wise	

Nays—78

Aikin	James
Alexander	Jefferson
Alsup	King
Bergman	Knetsch
Bourne	Lange
Bradford	Lanning
Broyles	Latham
Butler of Brazos	Leath
Cagle	Leonard
Caldwell	Lindsey
Canon	Mauritz
Clayton	McConnell
Collins	McKee
Colquitt	McKinney
Cooper	Morris
Crossley	Newton
Davis	Nicholson
Dickison	Palmer
Dunagan	Payne
Dunlap of Hays	Reader
Dwyer	Reed of Dallas
England	Riddle
Fisher	Roach of Hunt
Fuchs	Roane
Gibson	Rogers
Glass	Russell
Good	Sessions
Gray	Spears
Hankamer	Stanfield
Hanna	Steward
Harris of Dallas	Stinson
Hartzog	Stovall
Hodges	Tennyson
Hoskins	Thornton
Hunt	Tillery
Hyder	Venable
Jackson	Waggoner

Westfall Wood of Montague
Wood of Harrison Young

Absent

Butler of Karnes	Holland
Calvert	Howard
Celaya	Jones of Atascosa
Colson	Jones of Shelby
Cowley	Keefe
Daniel	Luker
Davison of Fisher	Padgett
Dunlap of Kleberg	Petsch
Duvall	Pope
Fox	Roach of Angelina
Frazer	Roberts
Greathouse	Scarborough
Herzik	Shofner
Hill	Wells

Absent—Excused

Fitzwater Moore
Huddleston

Mr. Farmer offered the following amendment to the bill:

Amend House Bill No. 26 as follows: after the word "Dollars" in line 29, page 2, add these words:

"Income is defined to be:

"1. Gifts, devises, inheritances paid in cash from all sources other than income from property or labor.

"2. Returns from property after all expenses for production and all interest, taxes and insurance are paid.

"3. Returns in cash from one's employment at anything where intelligence, skill or labor are used. Provided, community income shall be allotted one half to each spouse."

The amendment was lost.

Mr. Hoskins offered the following amendment to the bill:

Amend House Bill No. 26, Section 16, page 13, line 9, by adding after the word "confinement" the following:

"And shall be barred for three years from receiving benefits under this Act."

(Speaker in the Chair.)

Question recurring on the amendment by Mr. Hoskins, it was adopted.

Mr. Keefe offered the following amendment to the bill:

Amend House Bill No. 26, page 10, Section 8, by adding a new section to be known as 8a, which shall read as follows:

"Section 8a. The Legislature shall provide from time to time out of its

tax and revenue bills, or from other funds available for the purpose of allocation, or from part or all of certain taxes, fees or other revenue, or by other maintenance, necessary and adequate funds for carrying out the provisions of this Act, and in each instance the Legislature shall specify that such sums as designated shall be placed by the Treasurer of the State of Texas in two separate funds known as the Old Age Assistance Fund and the Permanent Old Age Pension Fund, and separate accounts shall be kept by said State Treasurer of all funds allocated to and paid out under the terms of this Act.

"(b) Eighty-five (85%) per cent of all revenue allocated for old age assistance shall be deposited to the credit of the 'Old Age Assistance Fund.'

"(c) Fifteen (15%) per cent of all revenue allocated for old age assistance shall be deposited to the credit of a permanent fund to be known as the 'Permanent Old Age Pension Fund.'

"(1) This fund shall be under the administration of the Old Age Assistance Commission. It shall be the duty of the Old Age Assistance Commission to invest the fund only in interest bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

"(2) No withdrawals may be made from this fund, except for investments in United States Bonds, for a period of twenty-five (25) years unless expressly authorized by the Legislature of this State. The Old Age Assistance Commission shall include in its annual reports the status of this fund."

KEEFE,
THORNTON,
JONES of Wise.

Mr. Morrison raised a point of order on further consideration of the amendment by Mr. Keefe, on the ground that the amendment violates certain constitutional provisions.

The Speaker overruled the point of order.

Question recurring on the amendment by Mr. Keefe, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—64

Adkins	Latham
Aikin	Lemens
Ash	Leonard
Bourne	Lindsey
Bradbury	Lotief
Burton	Lucas
Butler of Brazos	Mauritz
Cagle	McCalla
Cooper	McConnell
Cowley	McFarland
Daniel	McKinney
Davis	Moffett
Davison of Fisher	Morris
Davisson	Newton
of Eastland	Palmer
Dunlap of Hays	Reed of Bowie
England	Reed of Dallas
Fain	Roach of Angelina
Fisher	Roane
Fox	Roark
Gibson	Rogers
Graves	Russell
Head	Rutta
Herzik	Stanfield
Hunter	Steward
Jones of Atascosa	Tarwater
Jones of Falls	Thornton
Jones of Shelby	Walker
Jones of Wise	Wells
Keefe	Wood of Harrison
King	Wood of Montague
Lange	Worley
Lanning	

Nays—53

Adamson	Hyder
Alexander	James
Alsup	Knetsch
Atchison	Luker
Beck	Morrison
Bergman	Morse
Bradford	Olsen
Broyles	Padgett
Caldwell	Patterson
Calvert	Payne
Canon	Reader
Celaya	Roach of Hunt
Collins	Roberts
Colquitt	Scarborough
Dunagan	Sessions
Dwyer	Settle
Farmer	Smith
Glass	Stinson
Good	Stovall
Gray	Tennyson
Hankamer	Tillery
Hanna	Venable
Hardin	Waggoner
Harris of Archer	Westfall
Harris of Dallas	Young
Hill	Youngblood
Hunt	

Absent

Butler of Karnes	Holland
Clayton	Hoskins
Colson	Howard
Craddock	Jackson
Crossley	Jefferson
Dickison	Leath
Dunlap of Kleberg	McKee
Duvall	Nicholson
Ford	Petsch
Frazer	Pope
Fuchs	Quinn
Greathouse	Riddle
Hartzog	Shofner
Hodges	Spears
Hofheinz	

Absent—Excused

Fitzwater	Moore
Huddleston	

By unanimous consent of the House the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 26 was then passed to engrossment.

HOUSE BILL NO. 26 ON THIRD READING

Mr. Morrison moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 26 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—132

Adamson	Colson
Adkins	Cooper
Aikin	Cowley
Alexander	Craddock
Alsup	Crossley
Ash	Daniel
Atchison	Davis
Beck	Davison of Fisher
Bergman	Davisson
Bourne	of Eastland
Bradbury	Dickison
Bradford	Dunagan
Broyles	Dunlap of Hays
Burton	Dunlap of Kleberg
Butler of Brazos	Duvall
Butler of Karnes	England
Cagle	Fain
Caldwell	Farmer
Calvert	Fisher
Canon	Ford
Celaya	Fox
Collins	Frazer
Colquitt	Gibson

Glass	Morris
Good	Morrison
Gray	Morse
Greathouse	Newton
Hankamer	Nicholson
Hanna	Olsen
Hardin	Palmer
Harris of Archer	Patterson
Harris of Dallas	Payne
Hartzog	Quinn
Head	Reader
Hill	Reed of Bowie
Hodges	Reed of Dallas
Hofheinz	Riddle
Holland	Roach of Angelina
Hunt	Roach of Hunt
Hunter	Roark
Hyder	Roberts
Jackson	Rogers
James	Russell
Jefferson	Rutta
Jones of Atascosa	Sessions
Jones of Falls	Settle
Jones of Shelby	Shofner
Jones of Wise	Spears
Keefe	Stanfield
King	Steward
Lanning	Stinson
Latham	Stovall
Leath	Tarwater
Lemens	Tennyson
Leonard	Thornton
Lindsey	Tillery
Lotief	Venable
Lucas	Waggoner
Petsch	Walker
Luker	Wells
Mauritz	Westfall
McCalla	Wood of Harrison
McConnell	Wood of Montague
McFarland	Worley
McKee	Young
McKinney	Youngblood
Moffett	

Nays—3

Herzik	Roane
Knetsch	

Absent

Clayton	Lange
Dwyer	Padgett
Fuchs	Pope
Graves	Scarborough
Hoskins	Smith
Howard	

Absent—Excused

Fitzwater	Moore
Huddleston	

The Speaker then laid House Bill No. 26 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—137

Adamson	Hodges
Adkins	Hofheinz
Aikin	Holland
Alexander	Hoskins
Alsup	Howard
Ash	Hunt
Atchison	Hunter
Beck	Hyder
Bergman	Jackson
Bourne	James
Bradbury	Jefferson
Bradford	Jones of Atascosa
Broyles	Jones of Falls
Burton	Jones of Shelby
Butler of Brazos	Jones of Wise
Butler of Karnes	Keefe
Cagle	King
Caldwell	Lanning
Calvert	Latham
Canon	Leath
Clayton	Lemens
Collins	Leonard
Colquitt	Lindsey
Colson	Lotief
Cooper	Lucas
Cowley	Luker
Craddock	Mauritz
Crossley	McCalla
Daniel	McConnell
Davis	McFarland
Davison of Fisher	McKee
Davisson	McKinney
of Eastland	Moffett
Dickison	Morris
Dunagan	Morrison
Dunlap of Hays	Morse
Dunlap of Kleberg	Newton
Duvall	Nicholson
Dwyer	Olsen
England	Padgett
Fain	Palmer
Farmer	Patterson
Fisher	Payne
Ford	Quinn
Fox	Reed of Bowie
Frazer	Reed of Dallas
Gibson	Riddle
Glass	Roach of Angelina
Good	Roach of Hunt
Graves	Roark
Gray	Roberts
Greathouse	Rogers
Hankamer	Russell
Hanna	Rutta
Hardin	Scarborough
Harris of Archer	Sessions
Harris of Dallas	Settle
Hartzog	Shofner
Head	Smith
Hill	Spears

Stanfield	Waggoner
Steward	Walker
Stinson	Wells
Stovall	Westfall
Tarwater	Wood of Harrison
Tennyson	Wood of Montague
Thornton	Worley
Tillery	Young
Venable	Youngblood

Nays—4

Herzik	Petsch
Knetsch	Roane

Absent

Celaya	Pope
Fuchs	Reader
Lange	

Absent—Excused

Fitzwater	Moore
Huddleston	

Mr. Davisson of Eastland moved to reconsider the vote by which House Bill No. 26 was passed, and to table the motion to reconsider.

The motion to table prevailed.

REASONS FOR VOTE

This is not the type of bill which I preferred. It is my opinion that a bill which would give this pension to all of those who are eligible under the constitutional restriction should receive this pension if they so desired. I offered this type of amendment which the Journal shows, and was defeated on Monday, October 21st. However, since it is the will of the House that a bill which will give it to all is not the type preferred, I voted for the bill as finally passed in hopes that it might serve a good purpose, and those who need the pension will receive it.

RUSSELL.

I vote "no" on the Pension Bill for the following reasons:

I believe that the person who has worked hard for sixty-five (65) years of his or her life, saves, paid taxes, and will continue to pay taxes, are entitled to pension as much, or more, than the person who never saved and worked very little in his or her sixty-five (65) years of life and never intend to work. I'm favoring a bill that will be more liberal to those who worked, saved and paid taxes. The bill still has to go to free conference. If the conference committee will agree

on a more liberal bill and if we can not get a better bill, I may vote for the bill on final passage.

HERZIK.

MESSAGE FROM THE SENATE

Austin, Texas, October 24, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has passed the following:

H. B. No. 15, A bill to be entitled "An Act to amend Article 2785 so as to provide that notices of election shall be posted for ten days, and declaring an emergency."

Respectfully,

BOB BARKER,
Secretary of the Senate.

BILL SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof and its caption had been read, the following enrolled bill:

H. B. No. 15, "An Act to amend Article 2785, Revised Civil Statutes, so as to provide that notices of election shall be posted for ten days, and declaring an emergency."

MOTIONS FOR SPECIAL ORDER

Mr. Frazer moved that House Bill No. 46, be set as a special order for 2:00 o'clock p. m., today.

Question recurring on the motion by Mr. Frazer, yeas and nays were demanded.

The motion was lost by the following vote (not receiving the necessary two-thirds votes):

Yeas—74

Ash	Fisher
Bergman	Ford
Butler of Brazos	Frazer
Cagle	Gibson
Caldwell	Glass
Canon	Good
Clayton	Gray
Collins	Hankamer
Colquitt	Hanna
Cooper	Harris of Archer
Craddock	Hartzog
Davis	Head
Davisson	Hill
of Eastland	Hodges
Dunagan	Holland
Dunlap of Hays	Hoskins
Duvall	Howard

Hyder
Jackson
James
Jefferson
Jones of Wise
Keefe
King
Knetsch
Lange
Lemens
Leonard
Luker
McCalla
McFarland
McKee
McKinney
Morrison
Nicholson
Olsen
Padgett
Quinn

Reed of Dallas
Riddle
Roane
Roberts
Russell
Scarborough
Shofner
Spears
Stanfield
Stinson
Stovall
Tennyson
Thornton
Tillery
Venable
Waggoner
Walker
Wells
Worley
Young

Nays—53

Adamson	Lotief
Adkins	Lucas
Aikin	Mauritz
Alexander	McConnell
Atchison	Moffett
Beck	Morris
Bourne	Morse
Bradbury	Newton
Bradford	Palmer
Broyles	Patterson
Burton	Payne
Cowley	Petsch
Crossley	Reader
Daniel	Reed of Bowie
Dickison	Roach of Angelina
Fain	Roach of Hunt
Farmer	Roark
Fox	Rutta
Graves	Sessions
Hardin	Settle
Hofheinz	Smith
Hunt	Steward
Hunter	Westfall
Jones of Atascosa	Wood of Harrison
Lanning	Wood of Montague
Latham	Youngblood
Lindsey	

Absent

Alsup	Greathouse
Butler of Karnes	Harris of Dallas
Calvert	Herzik
Celaya	Jones of Falls
Colson	Jones of Shelby
Davison of Fisher	Leath
Dunlap of Kleberg	Pope
Dwyer	Rogers
England	Tarwater
Fuchs	

Absent—Excused

Fitzwater	Moore
Huddleston	

Mr. Frazer moved that House Bill No. 6, be set as a special order for 2:00 o'clock p. m., today.

Question recurring on the motion by Mr. Frazer, yeas and nays were demanded.

The motion was lost by the following vote (not receiving the necessary two-thirds votes):

Yeas—66

Ash	Jefferson
Bergman	Jones of Wise
Butler of Brazos	King
Caldwell	Knetsch
Celaya	Lange
Clayton	Lemens
Collins	Leonard
Cooper	McCalla
Craddock	McConnell
Davis	McKee
Davisson	McKinney
of Eastland	Moffett
Dunagan	Morrison
Dunlap of Hays	Nicholson
Duvall	Olsen
Fisher	Padgett
Ford	Pope
Frazer	Quinn
Gibson	Reed of Dallas
Glass	Riddle
Graves	Roane
Gray	Roberts
Hankamer	Russell
Hanna	Scarborough
Harris of Dallas	Settle
Hartzog	Shofner
Head	Spears
Hill	Stinson
Hodges	Stovall
Hoskins	Tillery
Howard	Walker
Hyder	Worley
Jackson	Young
James	

Nays—64

Adamson	Daniel
Adkins	Dickison
Aikin	Dwyer
Alexander	England
Atchison	Fain
Beck	Farmer
Bourne	Fox
Bradbury	Hardin
Bradford	Harris of Archer
Broyles	Hofheinz
Burton	Holland
Cagle	Hunt
Canon	Hunter
Colquitt	Jones of Atascosa
Cowley	Keefe
Crossley	Lanning

Latham	Roach of Hunt
Lindsey	Roark
Lotief	Rogers
Lucas	Rutta
Luker	Sessions
Mauritz	Smith
McFarland	Steward
Morris	Tennyson
Morse	Thornton
Newton	Venable
Palmer	Waggoner
Payne	Wells
Petsch	Westfall
Reader	Wood of Harrison
Reed of Bowie	Wood of Montague
Roach of Angelina	Youngblood

Absent

Alsup	Greathouse
Butler of Karnes	Herzik
Calvert	Jones of Falls
Colson	Jones of Shelby
Davison of Fisher	Leath
Dunlap of Kleberg	Patterson
Fuchs	Stanfield
Good	Tarwater

Absent—Excused

Fitzwater	Moore
Huddleston	

REASON FOR VOTE

I voted to take up House Bill No. 6 on special order merely to give this bill a hearing and had the special order passed I reserved the right to vote for, against the bill or for, or against any part thereof as the occasion may require or may appear to be proper. It is necessary to raise revenue for the old age pension. So the question of taxation deserves our immediate attention, I therefore voted to suspend the rule so we could consider tax matters.

McCONNELL.

Mr. Spears moved that House Bill No. 22, be set as a special order for 2:00 o'clock p. m., today.

Mr. Reader moved as an amendment to the motion by Mr. Spears, that House Bill No. 22, be set as a special order for 10:00 o'clock a. m., next Monday.

Question first recurring on the motion by Mr. Reader, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—32

Alexander	Bradbury
Bourne	Broyles

Collins	Lotief
Colquitt	Luker
Cowley	McKinney
Crossley	Morris
Daniel	Morse
Gray	Patterson
Hardin	Pope
Harris of Archer	Quinn
Holland	Reader
Hoskins	Reed of Bowie
Hunt	Roach of Angelina
Jefferson	Roach of Hunt
Keefe	Stinson
King	Waggoner

Nays—100

Adamson	Jones of Falls
Adkins	Jones of Shelby
Aikin	Jones of Wise
Atchison	Knetsch
Beck	Lange
Bergman	Lanning
Bradford	Latham
Burton	Lemens
Butler of Brazos	Leonard
Cagle	Lindsey
Caldwell	Lucas
Calvert	Mauritz
Canon	McCalla
Celaya	McConnell
Clayton	McFarland
Cooper	McKee
Craddock	Moffett
Davis	Morrison
Davisson	Newton
of Eastland	Nicholson
Dickison	Padgett
Dunagan	Palmer
Dunlap of Hays	Payne
Dwyer	Petsch
England	Reed of Dallas
Fain	Riddle
Farmer	Roane
Fisher	Roark
Ford	Roberts
Fox	Rogers
Gibson	Russell
Glass	Rutta
Good	Scarborough
Graves	Sessions
Hankamer	Settle
Hanna	Shofner
Harris of Dallas	Smith
Hartzog	Spears
Head	Steward
Hill	Stovall
Hodges	Tarwater
Hofheinz	Tennyson
Howard	Thornton
Hunter	Tillery
Hyder	Venable
Jackson	Walker
James	Wells
Jones of Atascosa	Westfall

Wood of Harrison	Young
Wood of Montague	Youngblood
Worley	

Present—Not Voting

Frazer

Absent

Alsup	Fuchs
Ash	Greathouse
Butler of Karnes	Herzik
Colson	Leath
Davison of Fisher	Olsen
Dunlap of Kleberg	Stanfield
Duvall	

Absent—Excused

Fitzwater	Moore
Huddleston	

Question then recurring on the motion by Mr. Spears, yeas and nays were demanded.

The motion was lost by the following vote(not receiving the necessary two-thirds votes):

Yeas—75

Adkins	Jones of Shelby
Aikin	Jones of Wise
Alexander	Keefe
Atchison	Lanning
Beck	Lemens
Bourne	Lindsey
Bradbury	Lotief
Bradford	Lucas
Burton	Luker
Cagle	McConnell
Calvert	McFarland
Cooper	Morris
Craddock	Morrison
Daniel	Newton
Davis	Olsen
Davisson	Padgett
of Eastland	Palmer
Dickison	Patterson
England	Payne
Fain	Petsch
Farmer	Reed of Bowie
Ford	Roach of Angelina
Fox	Rogers
Frazer	Rutta
Glass	Sessions
Good	Shofner
Graves	Spears
Gray	Stovall
Hardin	Tarwater
Harris of Archer	Tennyson
Head	Tillery
Hunt	Venable
Hunter	Waggoner
Hyder	Walker
James	Wells
Jones of Falls	Westfall

Wood of Harrison Worley
Wood of Montague Youngblood

Nays—59

Adamson	Jones of Atascosa
Bergman	King
Broyles	Knetsch
Butler of Brazos	Latham
Caldwell	Leonard
Canon	Mauritz
Celaya	McCalla
Clayton	McKee
Collins	McKinney
Colquitt	Moffett
Cowley	Morse
Crossley	Nicholson
Dunagan	Pope
Dunlap of Hays	Quinn
Duvall	Reader
Dwyer	Reed of Dallas
Fisher	Riddle
Gibson	Roach of Hunt
Hankamer	Roane
Hanna	Roark
Harris of Dallas	Roberts
Hartzog	Russell
Hill	Scarborough
Hodges	Settle
Hofheinz	Smith
Holland	Steward
Hoskins	Stinson
Howard	Thornton
Jackson	Young
Jefferson	

Present—Not Voting

Leath

Absent

Alsup	Fuchs
Ash	Greathouse
Butler of Karnes	Herzik
Colson	Lange
Davison of Fisher	Stanfield
Dunlap of Kleberg	

Absent—Excused

Fitzwater	Moore
Huddleston	

Mr. Shofner moved that House Bill No. 8, be set as a special order for 2:00 o'clock p. m., today.

Mr. Adamson moved that House Bill No. 8, be recommitted to the Committee on Revenue and Taxation.

Mr. Moffett raised a point of order on further consideration of the motion by Mr. Adamson, on the ground that the motion is out of order at this time.

The Speaker sustained the point of order.

Question recurring on the motion by Mr. Shofner, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—57

Adkins	Lucas
Aikin	Mauritz
Atchison	McConnell
Bourne	McFarland
Bradbury	Newton
Bradford	Olsen
Broyles	Padgett
Burton	Palmer
Cagle	Petsch
Calvert	Riddle
Fain	Roach of Angelina
Fox	Roane
Frazer	Roark
Glass	Rogers
Good	Rutta
Graves	Sessions
Gray	Shofner
Harris of Archer	Spears
Head	Stovall
Hunt	Tarwater
Hunter	Tennyson
Jones of Falls	Tillery
Jones of Shelby	Venable
Jones of Wise	Walker
Keefe	Wells
Lanning	Wood of Harrison
Lemens	Wood of Montague
Lindsey	Worley
Lotief	

Nays—74

Adamson	Hankamer
Alexander	Hanna
Bergman	Hardin
Butler of Brazos	Harris of Dallas
Caldwell	Hartzog
Canon	Hill
Celaya	Hodges
Clayton	Hofheinz
Collins	Holland
Colquitt	Hoskins
Cooper	Howard
Cowley	Hyder
Crossley	Jackson
Daniel	James
Davis	Jefferson
Davison	Jones of Atascosa
of Eastland	King
Dickison	Knetsch
Dunagan	Lange
Dunlap of Hays	Latham
Duvall	Leonard
England	Luker
Farmer	McCalla
Fisher	McKee
Ford	McKinney
Gibson	Moffett

Morris	Russell
Morse	Scarborough
Nicholson	Settle
Patterson	Smith
Payne	Steward
Pope	Stinson
Quinn	Thornton
Reader	Waggoner
Reed of Bowie	Westfall
Reed of Dallas	Young
Roach of Hunt	Youngblood
Roberts	

Absent

Alsup	Dwyer
Ash	Fuchs
Beck	Greathouse
Butler of Karnes	Herzik
Colson	Leath
Craddock	Morrison
Davison of Fisher	Stanfield
Dunlap of Kleberg	

Absent—Excused

Fitzwater	Moore
Huddleston	

Mr. Butler of Brazos moved that House Bill No. 23, be set as a special order for 2:00 o'clock p. m., today.

Question recurring on the motion by Mr. Butler of Brazos, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—52

Alexander	Jackson
Atchison	Jones of Atascosa
Bergman	Jones of Shelby
Butler of Brazos	King
Caldwell	Knetsch
Calvert	Leonard
Celaya	Luker
Clayton	Mauritz
Collins	McKinney
Cowley	Moffett
Davis	Nicholson
Dunagan	Olsen
Duvall	Petsch
Dwyer	Quinn
Fisher	Roberts
Ford	Russell
Frazer	Rutta
Good	Scarborough
Graves	Settle
Gray	Spears
Hankamer	Steward
Hill	Stinson
Hofheinz	Thornton
Howard	Waggoner
Hunter	Walker
Hyder	Westfall

Nays—77

Adamson	Lanning
Adkins	Latham
Aikin	Lemens
Bourne	Lindsey
Bradbury	Lotief
Bradford	Lucas
Broyles	McCalla
Burton	McConnell
Cagle	McFarland
Canon	McKee
Colquitt	Morris
Cooper	Morrison
Crossley	Morse
Daniel	Newton
Davison	Padgett
of Eastland	Palmer
Dickison	Patterson
Dunlap of Hays	Payne
England	Reader
Fain	Reed of Bowie
Farmer	Reed of Dallas
Fox	Riddle
Gibson	Roach of Angelina
Glass	Roach of Hunt
Hanna	Roane
Hardin	Roark
Harris of Archer	Rogers
Harris of Dallas	Sessions
Hartzog	Shofner
Head	Smith
Hodges	Stovall
Holland	Tarwater
Hoskins	Tennyson
Hunt	Wells
James	Wood of Harrison
Jefferson	Wood of Montague
Jones of Wise	Worley
Keefe	Young
Lange	Youngblood

Absent

Alsup	Greathouse
Ash	Herzik
Beck	Jones of Falls
Butler of Karnes	Leath
Colson	Pope
Craddock	Stanfield
Davison of Fisher	Tillery
Dunlap of Kleberg	Venable
Fuchs	

Absent—Excused

Fitzwater	Moore
Huddleston	

RECESS

On motion of Mr. Harris of Dallas, the House at 12:25 o'clock p. m., took recess to 2:00 o'clock p. m., today.

AFTERNOON SESSION

The House met at 2:00 o'clock p. m., and was called to order by the Speaker.

EXTENDING SYMPATHY TO MRS. EMMETT C. HILL

Mr. Caldwell offered the following resolution:

Whereas, Mrs. Emmett C. Hill, the wife of our esteemed fellow-member, the Hon. Emmett C. Hill, of Brazoria County, Texas, has been ill for several days in the Baylor Hospital of Dallas, Texas; and

Whereas, The members of the House of Representatives wish to express their most sincere wishes for the speedy recovery of Mrs. Hill and to sympathize with our fellow-member; now, therefore, be it

Resolved by the House of Representatives of the Forty-fourth Legislature, That the best wishes of this body be extended to Mr. and Mrs. Emmett C. Hill, with the earnest prayer that Mrs. Hill be speedily restored to good health, and that the Chief Clerk of the House be directed to send a suitable floral offering to Mrs. Hill, and that a copy of this resolution be forwarded to Mr. and Mrs. Hill.

CALDWELL,
HYDER.

The resolution was read second time.

Signed—Stevenson, Speaker; Adamson, Adkins, Aikin, Alexander, Alsup, Ash, Atchison, Beck, Bergman, Bourne, Bradbury, Bradford, Broyles, Burton, Butler of Brazos, Butler of Karnes, Cagle, Calvert, Canon, Celaya, Clayton, Collins, Colquitt, Colson, Cooper, Cowley, Craddock, Crossley, Daniel, Davis, Davison of Fisher, Davisson of Eastland, Dickison, Dunagan, Dunlap of Kleberg, Dunlap of Hays, Duvall, Dwyer, England, Fain, Farmer, Fisher, Fitzwater, Ford, Fox, Frazer, Fuchs, Gibson, Glass, Good, Graves, Gray, Greathouse, Hankamer, Hanna, Hardin, Harris of Archer, Harris of Dallas, Hartzog, Head, Herzik, Hill, Hodges, Hofheinz, Holland, Hoskins, Howard, Huddleston, Hunt, Hunter, Jackson, James, Jefferson, Jones of Wise, Jones of Shelby, Jones of Falls, Jones of Atascosa, Keefe, King, Knetsch, Lange, Lanning, Latham, Leath, Lemens, Leonard, Lindsey, Lotief, Lucas, Luker, Mauritz, McCalla,

McConnell, McFarland, McKee, McKinney, Moffett, Moore, Morris, Morrison, Morse, Newton, Nicholson, Olsen, Padgett, Palmer, Patterson, Payne, Petsch, Pope, Quinn, Reader, Reed of Bowie, Reed of Dallas, Riddle, Roach of Hunt, Roach of Angelina, Roane, Roark, Roberts, Rogers, Russell, Rutta, Scarborough, Sessions, Settle, Shofner, Smith, Spears, Stanfield, Steward, Stinson, Stovall, Tarwater, Tennyson, Thornton, Tillery, Venable, Waggoner, Walker, Wells, Westfall, Wood of Montague, Wood of Harrison, Worley, Young and Youngblood.

On the motion of Mr. Hyder, the names of all the Members of the House were added to the resolution, as signers thereof.

The resolution was unanimously adopted.

EXTENDING CONGRATULATIONS TO MRS. MARY CATHERINE BERRY

Mr. Lotief offered the following resolution:

Whereas, Mrs. Mary Catherine Berry is the widow of Andrew Jackson Berry, who fought in the battle of San Jacinto; and

Whereas, Mrs. Berry is the last surviving widow of a man who fought at said battle; and

Whereas, Mrs. Berry recently celebrated her 82nd birthday; now, therefore, be it

Resolved by the House of Representatives, That it extend its congratulations to Mrs. Berry on having passed the 82nd milestone of her life, and further extend the best wishes of the House for her continued good health and happiness; and be it further

Resolved, That a copy of this resolution be mailed to Mrs. Berry, and a copy to each of the newspapers in Calahan County.

The resolution was read second time, and was adopted.

TO GRANT HERMAN VOGES PERMISSION TO SUE THE STATE

Mr. Spears offered the following resolution:

H. C. R. No. 3, To grant Herman Voges permission to sue the State.

Whereas, Herman Voges in the city of Wetmore, Bexar County, Texas, claims that some deer on his premises,

have totally destroyed his crops and have caused the loss of 21 head of cattle, 8 milk cows and 13 calves, valued as follows: Cows at \$45.00, total \$360.00, Calves at \$10.00, total \$130.00, four acres of corn, 30 bushels per acre at 45c per bushel, total \$54.00; total loss \$544.00; and

Whereas, Said Herman Voges by reason of these damages was forced to drop his life insurance which he had kept up for nine years, and is now without protection and cannot pay his taxes, and has received notice from the Federal Bank that his farm will be sold if he does not meet his obligation on the thirtieth of September; and

Whereas, Herman Voges claims that he has not been compensated in whole or in part for any of said damages; now, therefore, be it

Resolved by the House of Representatives of the State of Texas, the Senate concurring, That the said Herman Voges be, and is hereby, granted permission to bring suit against the State of Texas in any court of competent jurisdiction in order to determine what damage, if any, he suffered and what compensation, if any, he may be entitled to and that, in case such suit be filed, service of citation or other necessary process therein shall be had upon the State of Texas and the Attorney General of the State of Texas, and that such service shall have the force and effect as service in civil cases in the manner prescribed by law.

The resolution was read second time.

On motion of Mr. Alsup, the resolution was referred to the Committee on State Affairs.

TO GRANT CONTINENTAL ASSURANCE COMPANY PERMISSION TO SUE THE STATE

Mr. Morse offered the following resolution:

H. C. R. No. 4, To grant Continental Assurance Company permission to sue the State.

Whereas, The Continental Assurance Company of Chicago, Illinois, on June 12, 1934, issued its group life policy No. G-227 to the Texas Prison System, the employees of said System being the beneficiaries named in said policy; and

Whereas, The premium due January 2, 1935 on said policy was not paid,

and by reason thereof said policy lapsed; and

Whereas, Said policy provided for a grace period of thirty-one (31) days, during which the policy continued in force regardless of the cause of lapse or discontinuance, and during which period full coverage was afforded by the terms of said policy; and

Whereas, Said Continental Assurance Company maintains that it is entitled under the terms of said policy to be paid one month's premium amounting to Six Hundred Twenty-Seven and 95-100 (\$627.95) Dollars; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the said Continental Assurance Company of Chicago, Illinois, be, and it is hereby, granted permission to bring suit against the State of Texas or the Texas Prison Board, or both, in a court of competent jurisdiction in order to determine the validity of said company's claim, and that service of citation and any other necessary process may be had upon the Chairman of the Texas Prison Board and the Attorney General of the State of Texas, as made and provided for in civil suits.

The resolution was read second time.

On motion of Mr. Alsup, the resolution was referred to the Committee on State Affairs.

RELATIVE TO PRESERVATION OF SAN JOSE MISSION

On motion of Mr. Dwyer, the House Rule, relative to the time allotted for the consideration of resolutions was suspended, at this time, for the purpose of considering the following resolution:

Whereas, It is expedient and proper that the people of Texas maintain its historic sites and shrines, and the mission, San Jose de Aguayo, is one of the most beautiful examples of Spanish colonial architecture in the world and is located adjacent to the City of San Antonio, Bexar County, Texas, such mission and adjacent properties including the old grainary Indian quarters, and public square, which are now being completed under the leadership of patriotic societies, the Catholic Church and the County of Bexar; and

Whereas, Texas will celebrate its One Hundredth Anniversary of Inde-

pendence beginning March 2, 1936, marking the one hundredth year of the signing of the Declaration of Independence, such centennial having been recognized by the Federal government of the United States by joint resolution of the House of Representatives and the Senate adopted in the 74th Congress, and approved by the President of the United States, including an appropriation for \$3,000,000 for such patriotic observance, including an allotment to the City of San Antonio and the County of Bexar of \$400,000; and

Whereas, The preservation of the mission, San Jose, is of prime archeological, historical, patriotic and sentimental importance, and such preservation will necessitate the expenditure for the mission, adjacent properties, Indian quarters and public square by the Federal government of \$50,000 or more; now, therefore, be it

Resolved by the House of Representatives of the State of Texas, That it does memorialize the Centennial Commission of Government of the United States, such committee being composed of Honorable John N. Garner, Vice-President of the United States, Honorable Cordell Hull, Secretary of State of the United States, Honorable John M. Roper, Secretary of Commerce of the United States, and Honorable Henry A. Wallace, Secretary of Agriculture of the United States, that they make an allotment of not less than \$50,000, for the preservation of San Jose Mission and adjacent properties, such allotment to be expended in a manner suitable to such preservation, historical documentation, research and other purposes necessary for its correct preservation.

DWYER,
JEFFERSON,
DICKISON,
SPEARS,
READER.

The resolution was read second time, and was adopted.

MOTION TO SUSPEND CERTAIN RULE

Mr. Hofheinz moved that the House Rule, relative to the time allotted for the consideration of resolutions, be suspended, at this time, for the purpose of considering certain resolution providing for the appointment of one member to be sent to Washington in

regard to securing aid for the Old Age Pension Act.

The motion was lost.

HOUSE BILL NO. 57 ON SECOND READING

Mr. McKinney moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 57 be placed on its second reading and passage to engrossment, and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—106

Adamson	Hodges
Adkins	Hofheinz
Alexander	Holland
Alsup	Hoskins
Ash	Hunt
Atchison	Hyder
Beck	Jackson
Bourne	James
Bradbury	Jefferson
Bradford	Jones of Falls
Burton	Jones of Shelby
Butler of Brazos	Keefe
Cagle	King
Canon	Knetsch
Clayton	Lange
Collins	Lemens
Colquitt	Leonard
Colson	Lindsey
Cooper	Lotief
Cowley	Luker
Craddock	Mauritz
Crossley	McCalla
Daniel	McConnell
Davis	McKee
Davisson	McKinney
of Eastland	Moffett
Dickison	Morrison
Dunagan	Morse
Dunlap of Hays	Newton
Duvall	Nicholson
Fain	Padgett
Farmer	Palmer
Ford	Reader
Fox	Reed of Bowie
Frazer	Reed of Dallas
Gibson	Riddle
Good	Roach of Angelina
Gray	Roach of Hunt
Greathouse	Roane
Hankamer	Roark
Hanna	Roberts
Harris of Archer	Rogers
Harris of Dallas	Russell
Hartzog	Rutta
Head	Scarborough
Herzik	Sessions
Hill	Settle

Shofner	Thornton
Smith	Venable
Spears	Waggoner
Steward	Walker
Stinson	Wells
Stovall	Young
Tarwater	

Nays—19

Aikin	Lucas
Broyles	McFarland
Davison of Fisher	Morris
Fisher	Patterson
Glass	Tennyson
Graves	Tillery
Hardin	Westfall
Hunter	Wood of Harrison
Jones of Wise	Wood of Montague
Lanning	

Absent

Bergman	Latham
Caldwell	Leath
Calvert	Olsen
Celaya	Payne
Dunlap of Kleberg	Petsch
Dwyer	Pope
England	Quinn
Fuchs	Stanfield
Howard	Worley
Jones of Atascosa	Youngblood

Absent—Excused

Butler of Karnes	Huddleston
Fitzwater	Moore

On motion of Mr. McKinney, the regular order of business and the Twenty-four Hour House Rule, were suspended, to take up and have placed on its second reading and passage to engrossment,

H. B. No. 57, A bill to be entitled "An Act fixing the compensation of District Attorneys in Judicial Districts composed of two or more counties; providing that this Act shall not deprive such District Attorneys of their expense allowance; providing for the disposition of fees; commissions and perquisites earned and collected by such District Attorneys; etc., and declaring an emergency."

The Speaker then laid House Bill No. 57 before the House, and it was read second time.

Mr. Aikin offered the following committee amendment to the bill:

Amend House Bill No. 57, by inserting between the word "year" and the period at the end of the first sentence of Section 1, of said bill the following:

"which said Four Thousand (\$4,000.00) Dollars shall include the Five

Hundred (\$500.00) Dollars salary per year now allowed such District Attorneys by the Constitution of this State."

AIKIN.

The amendment was adopted.

Mr. Petsch offered the following amendment to the bill:

Amend House Bill No. 57, by adding an additional paragraph to the end of Section 1 and which shall read as follows:

"Provided that any such District Attorney who practices civil law in addition to performing the duties of District Attorney shall receive only \$3,000.00 per year, before drawing any salary each District Attorney shall file a sworn statement with the State Comptroller setting out whether or not such District Attorney will practice civil law, upon forms prescribed by the Comptroller."

PETSCH,
JONES of Wise,
WOOD of Harrison,
GRAVES.

Mr. Lucas moved the previous question on the pending amendment, amendments on the Speaker's desk, and the passage of House Bill No. 57 to engrossment, and the main question was ordered.

Mr. McConnell raised a point of order on further consideration of the amendment by Mr. Petsch, on the ground that the amendment seeks to lower the salary of an officer, during his tenure of office, whose salary is fixed by the Constitution.

The Speaker overruled the point of order.

Question recurring on the amendment by Mr. Petsch, it was lost.

Mr. Hankamer offered the following amendment to the bill:

Amend House Bill No. 57, Section 1, page 1, line 21, by striking out the period after the word "year" in said line and inserting a semi-colon in lieu thereof and by inserting the following language after said semi-colon and before the word "such" in said line:

"provided that in all Judicial Districts in this State composed of two or more counties in one of which said counties there is a city containing a population of not less than 90,000 inhabitants, according to the last preceding Federal Census, the District

Attorney of each such district shall receive from the State as pay for his services the sum of Five Thousand Five Hundred (\$5,500.00) Dollars per year, which said Five Thousand Five Hundred (\$5,500.00) Dollars shall include the Five Hundred (\$500.00) Dollars salary per year now allowed such District Attorneys by the Constitution of this State."

HANKAMER,
CLAYTON,
JACKSON.

The amendment was adopted.

Mr. Lucas offered the following amendment to the bill:

Amend House Bill No. 57, by striking out the words and figures "\$4,000.00" and insert in lieu thereof the words and figures "\$3,600.00."

LANNING,
LUCAS,
LOTIEF.

The amendment was lost.

House Bill No. 57 was then passed to engrossment.

HOUSE BILL NO. 57 ON THIRD READING

The Speaker then laid House Bill No. 57 before the House on its third reading and final passage.

The bill was read third time.

Mr. Quinn offered the following amendment to the bill:

Amend House Bill No. 57, page 1, by adding at the end of Section 1 the following:

"Provided that no District Attorney shall be paid a salary greater than his 1935 salary."

By unanimous consent of the House the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

The amendment was lost.

House Bill No. 57 was then passed by the following vote:

Yeas—106

Adkins	Bradford
Alexander	Burton
Alsup	Butler of Brazos
Ash	Cagle
Atchison	Caldwell
Beck	Canon
Bergman	Clayton
Bourne	Collins
Bradbury	Colquitt

Colson
Cooper
Craddock
Crossley
Daniel
Davis
Dickison
Dunagan
Dunlap of Hays
Dwyer
England
Fain
Ford
Fox
Frazer
Gibson
Good
Gray
Greathouse
Hankamer
Hanna
King
Knetsch
Latham
Lemens
Leonard
Lindsey
Lotief
Mauritz
McCalla
McConnell
McKee
McKinney
Moffett
Morrison
Morse
Newton
Nicholson
Padgett
Palmer
Payne
Petsch
Reader
Reed of Bowie

Reed of Dallas
Riddle
Roach of Angelina
Roane
Harris of Archer
Harris of Dallas
Hartzog
Head
Herzik
Hill
Hodges
Hofheinz
Holland
Hoskins
Hunt
Hunter
Hyder
Jackson
James
Jefferson
Jones of Atascosa
Jones of Falls
Jones of Shelby
Keefe
Roark
Roberts
Rogers
Rutta
Scarborough
Sessions
Settle
Shofner
Smith
Spears
Steward
Stinson
Stovall
Tarwater
Thornton
Walker
Wells
Worley
Young
Youngblood

Nays—25

Adamson	McFarland
Aikin	Morris
Broyles	Patterson
Davison of Fisher	Quinn
Farmer	Russell
Fisher	Tennyson
Glass	Tillery
Graves	Venable
Hardin	Waggoner
Jones of Wise	Westfall
Lanning	Wood of Harrison
Lucas	Wood of Montague
Luker	

Absent

Calvert	Davisson
Celaya	of Eastland
Cowley	Dunlap of Kleberg

Duvall	Olsen
Fuchs	Pope
Howard	Roach of Hunt
Lange	Stanfield
Leath	

Absent—Excused

Butler of Karnes	Huddleston
Fitzwater	Moore

Mr. McKinney moved to reconsider the vote by which House Bill No. 57 was passed, and to table the motion to reconsider.

The motion to table prevailed.

HOUSE BILL NO 5 ON SECOND READING

Mr. Worley moved that the regular order of business, and the Twenty-four Hour House Rule, be suspended, at this time, to take up and have placed on its second reading and passage to engrossment,

H. B. No. 5, A bill to be entitled "An Act amending, and re-enacting subsection 5 of Section 1, Chapter 10, Acts of First Called Session of the Forty-third Legislature relative to the taxes levied on the pari-mutuel wagering system; empowering the county commissioners court to apply funds received under this Act to certain purposes; repealing all laws in conflict herewith; and declaring an emergency."

The motion prevailed by the following vote:

Yeas—95

Adamson	Davisson
Adkins	of Eastland
Aikin	Dunagan
Alexander	Dunlap of Hays
Alsup	England
Ash	Fain
Atchison	Fisher
Beck	Ford
Bergman	Fox
Bourne	Frazer
Bradford	Gibson
Broyles	Glass
Burton	Good
Butler of Brazos	Graves
Cagle	Gray
Caldwell	Harris of Archer
Calvert	Hankamer
Canon	Head
Collins	Herzik
Cooper	Hodges
Craddock	Hunter
Daniel	Hyder
Davison of Fisher	Jackson

James	Padgett
Jones of Atascosa	Patterson
Jones of Falls	Payne
Jones of Wise	Petsch
Keefe	Quinn
King	Riddle
Knetsch	Roark
Lange	Rogers
Lanning	Rutta
Latham	Scarborough
Lemens	Sessions
Leonard	Settle
Lindsey	Shofner
Lucas	Steward
Luker	Tarwater
Mauritz	Tennison
McConnell	Thornton
McFarland	Tillery
McKinney	Venable
Moffett	Walker
Morris	Wells
Morrison	Wood of Harrison
Newton	Wood of Montague
Nicholson	Worley
Olsen	Young

Nays—37

Bradbury	Lotief
Colquitt	McKee
Colson	Morse
Crossley	Palmer
Dickison	Pope
Duvall	Reader
Dwyer	Reed of Bowie
Farmer	Reed of Dallas
Greathouse	Roach of Hunt
Hanna	Roane
Hardin	Roberts
Harris of Dallas	Russell
Hartzog	Smith
Hill	Spears
Hofheinz	Stinson
Holland	Stovall
Hoskins	Westfall
Hunt	Youngblood
Jefferson	

Absent

Celaya	Jones of Shelby
Clayton	Leath
Cowley	McCalla
Davis	Roach of Angelina
Dunlap of Kleberg	Stanfield
Fuchs	Waggoner
Howard	

Absent—Excused

Butler of Karnes	Huddleston
Fitzwater	Moore

The Speaker then laid House Bill No. 5 before the House, it was read second time and was passed to engrossment.

Mr. Duvall moved to reconsider the vote by which House Bill No. 5 was passed to engrossment.

The motion was lost.

**MOTION TO TAKE UP HOUSE
BILL NO. 5**

Mr. Worley moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 5 be placed on its third reading and final passage.

The motion was lost (not receiving the necessary four-fifths votes) by the following vote:

Yeas—92

Adamson	Hyder
Adkins	Jones of Falls
Aikin	Jones of Shelby
Alexander	Jones of Wise
Alsup	Keefe
Atchison	Lange
Beck	Lanning
Bourne	Latham
Bradbury	Lemens
Bradford	Lindsey
Broyles	Mauritz
Burton	Lucas
Butler of Brazos	McConnell
Cagle	Moffett
Calvert	Morris
Canon	Morrison
Clayton	Newton
Collins	Nicholson
Cooper	Padgett
Craddock	Palmer
Crossley	Patterson
Daniel	Payne
Davis	Petsch
Davison of Fisher	Quinn
Davison	Reed of Bowie
of Eastland	Roach of Angelina
Dunlap of Hays	Roach of Hunt
England	Roark
Fain	Roberts
Farmer	Rogers
Fisher	Rutta
Ford	Sessions
Fox	Settle
Frazer	Shofner
Gibson	Steward
Glass	Stovall
Graves	Tarwater
Hardin	Tennyson
Harris of Archer	Thornton
Hartzog	Tillery
Head	Venable
Herzik	Waggoner
Hodges	Walker
Hunt	Wells
Hunter	Westfall

Wood of Harrison Worley
Wood of Montague

Nays—45

Bergman	King
Caldwell	Knetsch
Celaya	Leonard
Colquitt	Lotief
Colson	Luker
Cowley	McCalla
Dickison	McFarland
Dunagan	McKee
Duvall	McKinney
Dwyer	Morse
Good	Olsen
Greathouse	Pope
Hankamer	Reader
Hanna	Reed of Dallas
Harris of Dallas	Riddle
Hill	Roane
Hofheinz	Russell
Holland	Scarborough
Hoskins	Smith
Howard	Spears
Jackson	Stinson
James	Youngblood
Jones of Atascosa	

Absent

Ash	Jefferson
Dunlap of Kleberg	Leath
Fuchs	Stanfield
Gray	Young

Absent—Excused

Butler of Karnes	Huddleston
Fitzwater	Moore

**PROPOSED AMENDMENT TO
JOINT RULE**

The Speaker laid before the House, as pending business, House Concurrent Resolution No. 1, by Mr. Fain, Proposing an amendment to Joint Rule No. 20.

The resolution having been read second time on last Wednesday, October 16, with amendment by Mr. Walker, pending.

Mr. Walker, by unanimous consent, withdrew the pending amendment.

Mr. Moffett offered the following amendment to the resolution:

Amend House Concurrent Resolution No. 1 by striking out the last paragraph and insert in lieu thereof the following:

"the conferees shall be limited to the differences between the two Houses and shall not insert in their

report new matter not germane to the original bill."

Mr. Hunt moved the previous question on the pending amendment and the adoption of the resolution, and the main question was ordered.

Question first recurring on the amendment by Mr. Moffett, it was adopted.

Question then recurring on the resolution, it was adopted.

Mr. Fain moved to reconsider the vote by which the resolution was adopted, and to table the motion to reconsider.

The motion to table prevailed.

HOUSE BILL NO. 1 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 1, A bill to be entitled "An Act amending Section 2, Acts 1933, Regular Session of the Forty-third Legislature, page 409, Chapter 162, House Bill No. 154 as amended by Acts of 1933, Forty-third Legislature, First Called Session, page 43, Chapter 12, increasing the tax on oil, allocating the revenue to the Public School Fund and for the payment of old age pensions; prescribing a savings clause, and declaring an emergency."

The bill was read second time.

HOUSE BILL NO. 46 ON SECOND READING

Mr. Frazer moved that the regular order of business and the Twenty-four Hour House Rule, be suspended, at this time, for the purpose of taking up and considering House Bill No. 46.

Question recurring on the motion by Mr. Frazer, yeas and nays were demanded.

The roll of the House was called and the vote announced as follows:

Yeas, 90, nays 43.

A verification of the vote was called for.

The roll of the "yeas" and "nays" was again called, and the verified vote resulted as follows:

Yeas—91

Adamson Alsup
Alexander Ash

Bergman	King
Butler of Brazos	Knetsch
Caldwell	Lange
Calvert	Lanning
Canon	Latham
Clayton	Leath
Collins	Lemens
Colquitt	Leonard
Colson	Luker
Cooper	Mauritz
Cowley	McCalla
Craddock	McConnell
Davis	McFarland
Davisson	McKee
of Eastland	McKinney
Dunagan	Moffett
Dunlap of Hays	Newton
Dunlap of Kleberg	Nicholson
Fain	Padgett
Fisher	Petsch
Ford	Pope
Frazer	Reed of Dallas
Fuchs	Riddle
Gibson	Roane
Glass	Roark
Good	Roberts
Greathouse	Rogers
Hankamer	Rutta
Hanna	Scarborough
Harris of Archer	Settle
Harris of Dallas	Smith
Hartzog	Spears
Head	Steward
Herzik	Stinson
Hill	Stovall
Hodges	Tarwater
Hofheinz	Tennyson
Hoskins	Thornton
Hunter	Tillery
Hyder	Walker
Jackson	Wells
James	Wood of Montague
Jones of Atascosa	Worley
Jones of Falls	Young

Nays—42

Aikin	Graves
Atchison	Gray
Beck	Hardin
Bourne	Holland
Bradford	Hunt
Broyles	Jones of Shelby
Burton	Jones of Wise
Cagle	Keefe
Crossley	Lindsey
Daniel	Lotief
Davison of Fisher	Lucas
Dickison	Morris
Duvall	Morse
Dwyer	Olsen
England	Palmer
Farmer	Patterson
Fox	Reader

Reed of Bowie Shofner
Roach of Angelina Westfall
Russell Wood of Harrison
Sessions Youngblood

Absent

Adkins Payne
Bradbury Quinn
Celaya Roach of Hunt
Howard Stanfield
Jefferson Venable
Morrison Waggoner

Absent—Excused

Butler of Karnes Huddleston
Fitzwater Moore

The Speaker announced that the motion prevailed.

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 46, A bill to be entitled "An Act levying and imposing occupation taxes, in addition to those now prescribed by law on certain industries and public utilities; and natural resources, such as gas, sulphur and oil; providing for certain exemptions and defining terms used in the Act; taxes on soft drinks; etc., and declaring an emergency."

The bill was read second time.

Question—Shall House Bill No. 46 pass to engrossment?

REASON FOR VOTE

Since no vote was taken on Thursday and Friday of last week, I wish to record my name as being present on both days.

HANNA.

RECESS

On motion of Mr. Roane, the House at 4:50 o'clock p. m., took recess to 9:30 o'clock a. m., tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills as follows:

Revenue and Taxation: House Bills Nos. 9, 36, 20, 46 and 5.

The Committee on Revenue and Taxation filed adverse reports with minority favorable, on bills as follows:

House Bills Nos. 10 and 37.

REPORT OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,
Austin, Texas, October 24, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 15, "An Act to amend Article 2785, Revised Civil Statutes of Texas of 1925, so as to provide that notices of election shall be posted for ten (10) days, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

ATCHISON, Chairman.

THIRD DAY

(Continued)

(Friday, October 25, 1935)

The House met at 9:30 o'clock a. m., and was called to order by Speaker Stevenson.

LEAVE OF ABSENCE GRANTED

(By unanimuos consent)

Mr. Cagle was granted leave of absence for today, on account of illness, on motion of Mr. Fuchs.

RELATIVE TO SUPPLIES TO BE FURNISHED BY COMMITTEE ON CONTINGENT EXPENSES

Mr. Beck offered the following resolution:

Whereas, The Contingent Expense Committee is desirous of keeping the expenditures within the amount for each member during this Special Session; therefore, be it

Resolved, That the Chairman of the Contingent Expense Committee shall have the power and authority to furnish only such supplies as are absolutely necessary during the session to transact the business of the State.

BECK,
DUNLAP of Hays,
HYDER,
ADAMSON,
FAIN.

The resolution was read second time.

Mr. McKee raised a point of order on further consideration of the reso-